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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,615	05/19/1999	GEORGE E. CARTER	99P7593US	5452

28524 7590 01/26/2005

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/314,615	CARTER ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Simon Sing	2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 14 and 16-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown US 5,822,406.

1.1 Regarding claim 14, Brown discloses an audio switching system for interfacing with a computer in figures 1 and 2 (column 3, lines 48-66). The switching system is capable of switching audio signals between a plurality of audio transducers. Brown teaches:

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receiving a configuration for a plurality of audio transducer in table 1 (column 6, lines 33-38; mode 9; figure 8), said configuration specifying that audio signal s are to e sent to a first audio transducer (earphone of headset 233) and received from a second transducer (microphone 227) (column 9, lines 53-65);

storing the configuration (column 6, lines 32-38, table 1);

detecting that a local telephone 201 has been turned on (off-hook) (local-phone-off-hook or LPOHD signal line is actively monitored), and if local telephone 201 (third audio transducer) is off-hook, changing the configuration such that audio signals are received from local telephone's mouth piece (microphone) and are sent to the earphone (speaker) (column 4, lines 33-40, 56-65; column 1, lines 48-53; column 2, lines 27-35).

Although Brown does not explicitly spelling out of routing audio signals to local telephone 201 when it is off-hook, however, Brown does teach a computer 100 for detecting a LPOHD signal, and four relays 203-206 for routing audio signals to appropriate destinations (column 4, lines 33-40, 56-65), and furthermore, in figure 2, local telephone 201 is connected (via relays 203 and 206) to telephone lines (tip and ring) 228 and 229, which in turn are connected to plug 207 and telephone jack 208. Therefore, it is inherent that when the local telephone 201 is off-hook, computer 100 receives the LPOHD signal, and routes audio signals to the local telephone 201.

1.2 Regarding claim 16, Brown teaches detecting the status of local telephone 210 from a LPOHD signal and routing audio signals to the local telephone 201 if it is off-

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hook as discussed in claim 14. Brown further teaches detecting from off-hook to on-hook to restored a previous configuration (column 10, lines 57-62).

1.3 Regarding claim 17, Brown further teaches setting the plurality of audio transducers and a computer system, wherein said configuration is received from the computer system (figure 1B; column 4, lines 21-40).

1.4 Regarding claim 18, Brown further teaches that the configuration is inputted by a user, utilizing a graphical user interface (column 4, lines 11-14).

1.5 Regarding claim 19, Brown teaches:

allowing a user to select one of an input or output audio transducer, such as the microphone or earphone of the local telephone 201 (column 4, lines 6-40); and

automatically selecting a default corresponding input or output audio transducer according to the user's selection (microphone or earphone of local telephone 201).

1.6 Regarding claim 20, as discussed in claim 14, the third transducer is local telephone 201 going off-hook.

1.7 Regarding claim 21, Brown teaches connecting transducers to an audio device, which inherently including a sound card (column 4, lines 6-14; Figures 1A and 1B).

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1.8 Regarding claim 22, Brown discloses an audio switching system for interfacing with a computer in figures 1 and 2 (column 3, lines 48-66). The switching system is capable of switching audio signals between a plurality of audio transducers. Brown teaches:

displaying a configuration for a plurality of audio transducer (column 4, lines 6-14, 33-40; column 6, 33-38, table 1; mode 9; figure 8; column 9, lines 53-65);

receiving a user selection of an audio transducer (microphone of local telephone 201, when local telephone 201 is off-hook), the user selection indicating that the selected audio transducer is to be utilized;

determining if there is default audio transducer (earphone of local telephone 201) that correspond to the selected audio transducer;

automatically selecting default transducer;

sending the configuration to the audio switching system (column 3, lines 48-66; column 4, lines 21-40; 56-65).

Although Brown does not explicitly spelling out of routing audio signals to local telephone 201 when it is off-hook, however, Brown does teach a computer 100 for detecting a LPOHD signal, and four relays 203-206 for routing audio signals to appropriate destinations (column 4, lines 33-40, 56-65), and furthermore, in figure 2, local telephone 201 is connected (via relays 203 and 206) to telephone lines (tip and ring) 228 and 229, which in turn are connected to plug 207 and telephone jack 208. Therefore, it is inherent that when the local telephone 201 is off-hook, computer 100 receives the LPOHD signal, and routes audio signals to the local telephone 201.

1.9 Regarding claim 23, Brown teaches pairing microphone 227 with headset 223 (figure 8; column 9, lines 53-65);

1.10 Regarding claims 24 and 25, the microphone and earphone of local telephone are input transducer and output transducer respectively.

1.11 Regarding claim 26, Brown teaches displaying a plurality of audio transducers in table 1(column 5-8), and figure 8 is a default configuration for telephone emulation (column 9, lines 53-65).

1.12 Regarding claim 27, Brown teaches storing different configurations (column 5-8, table 1; column 4, lines 6-14, 33-40).

1.13 Regarding claim 28, Brown teaches a telephone emulation mode 9 in figure 8. When a user selects mode 9 from his computer display (column 4, lines 11-14), it is inherent that the user selects a transducer with a corresponding default transducer (microphone to headphone).

### ***Response to Arguments***

2. Applicant's arguments filed on 10/20/2004 have been fully considered but they are not persuasive.

The Applicants argue that Brown does not storing the configuration of a plurality of transducers (claim 14), restoring configuration when third transducer turns off (column 16) and automatically selecting a default corresponding transducer. However, Brown teaches storing various configurations in table 1 (note: the Applicants did not claim storing is based on detecting), and additional modes can be programmed to tailor the system to the need of a user (column 6, lines 32-38). Brown further teaches detecting a LPOHD signal whether local telephone 201 is off-hood or on-hood, and it is inherent that when local telephone 201 goes off-hook, audio signal are routed to local telephone 201, and then, when it goes on-hook, the original mode (configuration) is restored. As for the default corresponding transducer, local telephone 201 has two transducers (a mouth-piece, or microphone, and a ear-piece, or earphone), and when one transducer is selected, the corresponding one is also selected.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.




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S. Sing

01/24/2005



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